



## **CITY OF HAYWARD AGENDA REPORT**

Meeting Date 06/09/05

Agenda Item 2

**To:** Planning Commission

**From:** Arlynn J. Camire, AICP, Associate Planner

**Subject:** Use Permit No. PL-2005-0096 – James Chao (Applicant), Unocal 76 (Owner) – Request to Construct and Operate a Car Wash at an Automobile Service Station

The Property Is Located at 391 West A Street at the Northeast Corner of Arbor Avenue in a Neighborhood Commercial (CN) Zoning District

### **RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA); and
2. Approve the use permit application subject to the attached findings and conditions of approval.

### **DISCUSSION**

The property is located on the north side of West A Street near the northbound on-ramp to Interstate 880. The parcels to the north, east and west are all within the jurisdiction of Alameda County. The vacant parcel, zoned Planned Development, to the north is proposed to be developed with a 151-unit senior housing facility (Attachment B). A McDonald's restaurant is located to the west. A Best Western motel and a vacant oil changing facility are located across the street to the south. The uses along both sides of the West A Street frontage are primarily commercial.

In 1995, the City Council approved a use permit for a Union 76 gasoline station with a Circle K mini-mart, and a drive-through restaurant that is no longer in use. The gasoline service station and mini-mart are open between 6:00 am and 10:00 pm.

The 76 service station business owner proposes to construct and operate a 660-square-foot self-service carwash tunnel on the north side of the mini-mart in place of the drive-thru restaurant lane and a portion of the landscape planter. The proposed hours of operation of the carwash would be 7:00 am to 10:00 pm. A carwash is a conditional use in the *Neighborhood Commercial District*.

Conditional approval is required to assure this use is permitted where there is a community need, and to assure that the use is in harmony with the area and with City policies.

The mini-mart and canopy structure are Spanish mission style with off-white stucco, a terra cotta tile hip roof and terra cotta color tiles at the base of the structure. The carwash structure would match the materials and architecture of the gasoline service station.

The carwash queue would be accessible from the West A Street frontage. However, the carwash would not be visible from West A Street and only visible from Arbor Avenue. The view of the carwash would be obscured by mature landscaping in a planter at Arbor Avenue.

Self-service carwashes require three queuing spaces in front of the wash area; 4 queuing spaces would be available. A total of 11 parking spaces are required for the gas station, mini-mart and carwash. The 15 on-site spaces on site would remain.

The Zoning Ordinance requires that service stations have at least 20 percent of the site covered by landscaping. The gasoline service station currently exceeds this requirement with 24 percent. The landscaping has matured and includes trees, shrubs, rose bushes and ground cover. The areas of missing landscaping are not significant; however, a condition of approval requires any damaged or missing landscaping to be replaced. The site currently has a 15-foot, 6-inch landscape setback between the northerly property line and the former drive-thru lane. This area will be reduced to 10-feet to accommodate the carwash unit. However, the 20 percent landscape requirement would continue to be met with the landscape planters located on all sides of the site.

Four trees along the northerly property line are in conflict with the construction of the carwash. They would be required to be removed and replaced with four evergreen trees. These trees would be planted in the resultant 10-foot-wide landscape buffer to provide screening between the carwash and the adjacent residential property. The evergreen trees would be required to be equal in size to the trees that would be removed.

### Noise Mitigation

Based on information from a carwash equipment manufacturer, the operation could generate noise levels up to 83 dBA at a point 20 feet from the exit door of a carwash. The gasoline service station is located adjacent to the Interstate 880 northbound on-ramp and a soundwall is not present. According to the *Existing Noise Contours Map* in Appendix M of the General Plan, the exterior ambient noise on-site is approximately 80 dBA to 70 dBA. There is an 8-foot masonry wall and mature landscaping in place on the northern property line shared with the proposed senior housing facility. Roll-up doors at the carwash entrance and exit would be closed during operations. Sound absorbing material would be incorporated within the structure. The 8-foot masonry wall, the mature landscaping, the roll-up doors and the sound absorbing material, would mitigate the noise created by the carwash by approximately 20 dBA resulting in a noise level significantly less than the ambient noise from the freeway. Furthermore, the living area of the proposed senior housing facility would be approximately 80 feet from the property line. A driveway and recreation area would lie between the property line and the housing facility. Staff is of the opinion that with the recommended and existing

noise mitigation measures and the distance from the source, the noise impact on the future senior housing would be less than significant.

### Signs

The signs that were approved as part of the service station's original use permit include 1) the Unocal 76 Station monument sign, 2) the fast-food restaurant monument sign, 3) a Circle K wall sign above the front entrance, 4) a wall sign on the south side of the building that has been refaced as a Hot Stuff Pizza advertisement, and 5) a free-standing menu board at the drive-thru lane. A non-permitted wall sign facing Arbor Avenue was installed at a later date.

The service station business owner proposes to reface the fast-food restaurant monument sign to advertise the carwash. In addition, Conoco Philips is retrofitting all Unocal 76 service stations with new signs, pump fascia designs and colors. The monument sign would be replaced with one that would be faced with the same tile found on the building (Attachment C). The proposed sign area is less than what is allowed by the Sign Ordinance and would be installed in the same location as the existing monument sign. While the design is consistent with that of the building, it has a monolithic appearance and staff recommends that a base be added to the monument sign and that additional landscaping be planted around the base of the sign. The pumps are proposed to be refaced with the new corporate signs and the canopy is proposed to be painted bright white. However, the bright white color does not meet Design Guidelines. Staff recommends that the canopy continue to match the off-white color of the mini-mart/carwash structure.

The Sign Ordinance allows one monument sign and two wall signs for a service station. Staff recommends that two signs be removed, which do not conform to the Sign Ordinance: 1) the non-permitted wall sign, and 2) the fast-food restaurant monument sign. The proposed monument sign would contain a panel on which the carwash can be advertised. Directional signs, not over 6-square-feet in area, could further guide patrons to the carwash entry. This would provide adequate attention to the carwash while creating a more attractive appearance for the property.

### **ENVIRONMENTAL REVIEW**

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) guidelines Section 15303, New Construction or Conversion of Small Structures.


### **PUBLIC HEARING NOTICE**

On March 1, 2005, a notice was mailed to the Longwood Area Neighborhood Association, Longwood/Winton Grove Taskforce members, Santa Clara Neighborhood Task Force members and every property owner and occupant within 300 feet of the property as noted on the latest assessor's records announcing the proposed application. The City did not receive any responses. On May 27, 2005, a Notice of Public Hearing was mailed.

## CONCLUSION

As conditioned, the proposed project complies with the City Zoning Ordinance and the City's Design Guidelines. The proposal would provide a service to the surrounding neighborhoods in an area that would have a low impact on adjacent properties. Staff recommends that the Planning Commission approve the Use Permit application.


Prepared by:



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Arlynn J. Camire, AICP  
Associate Planner

Recommended by:

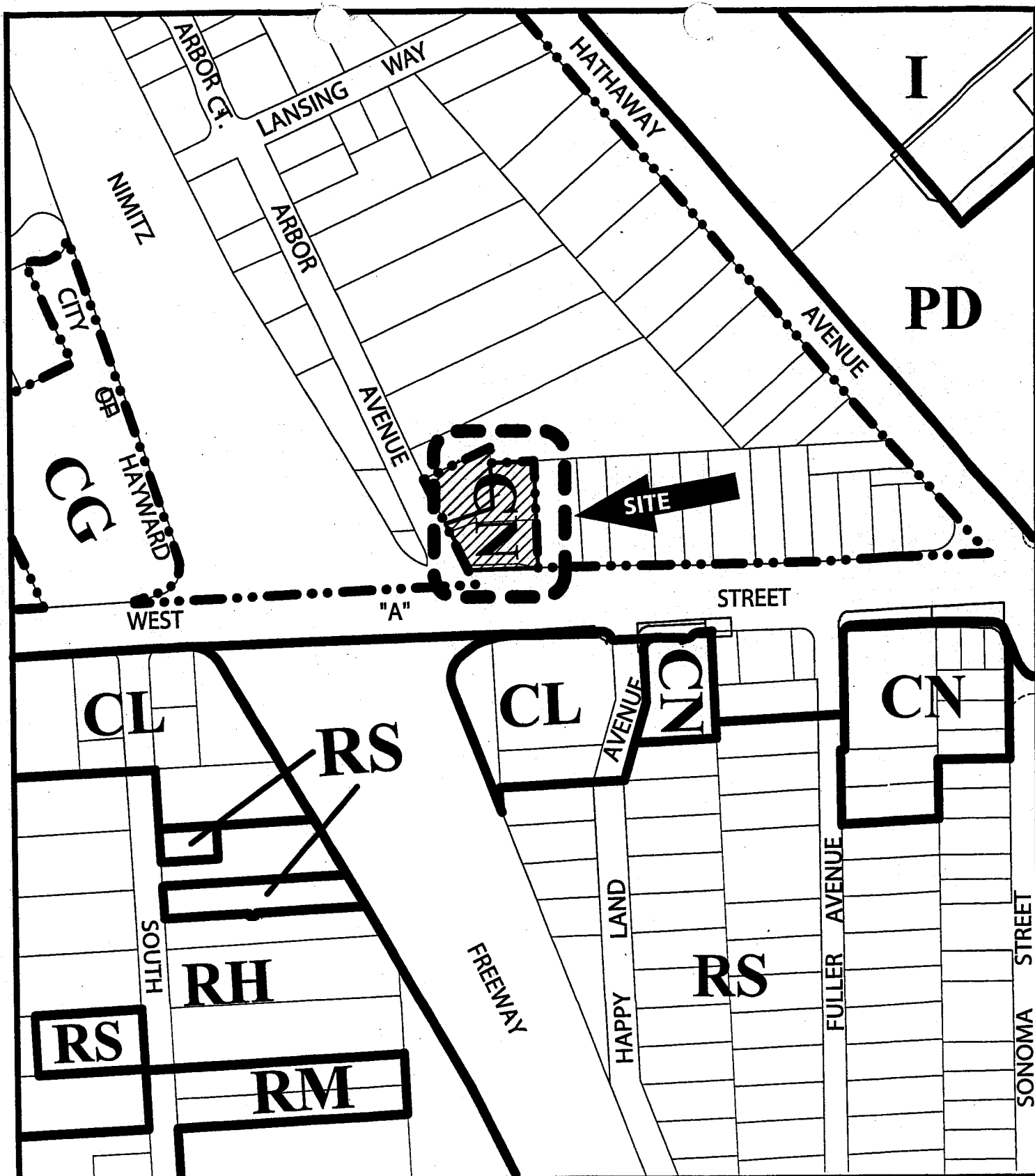


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Dyana Anderly, AICP  
Planning Manager

### Attachments

- A Area and Zoning Map
- B Site Plan of Proposed Senior Housing Facility
- C Plan of the Proposed Monument Sign
- D Findings for Approval
- E Conditions of Approval Plans



### Area & Zoning Map

PL-2005-0096 UP

Address: 391 West A Street

Applicant: James Chao

Owner: Unocal 76

CG-General Commercial

CL-Limited Access Commercial

CN-Neighborhood Commercial

I-Industrial

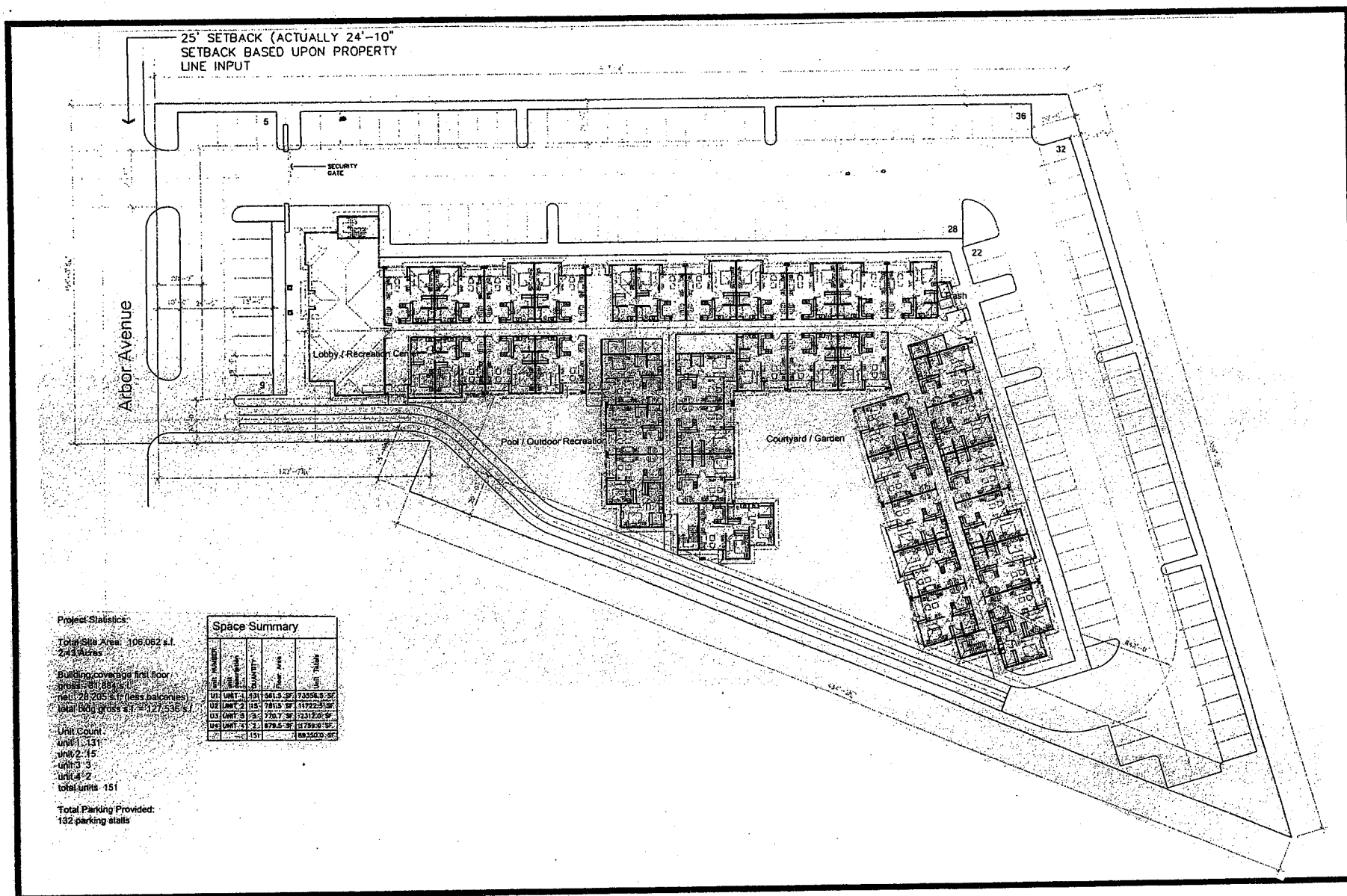
PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



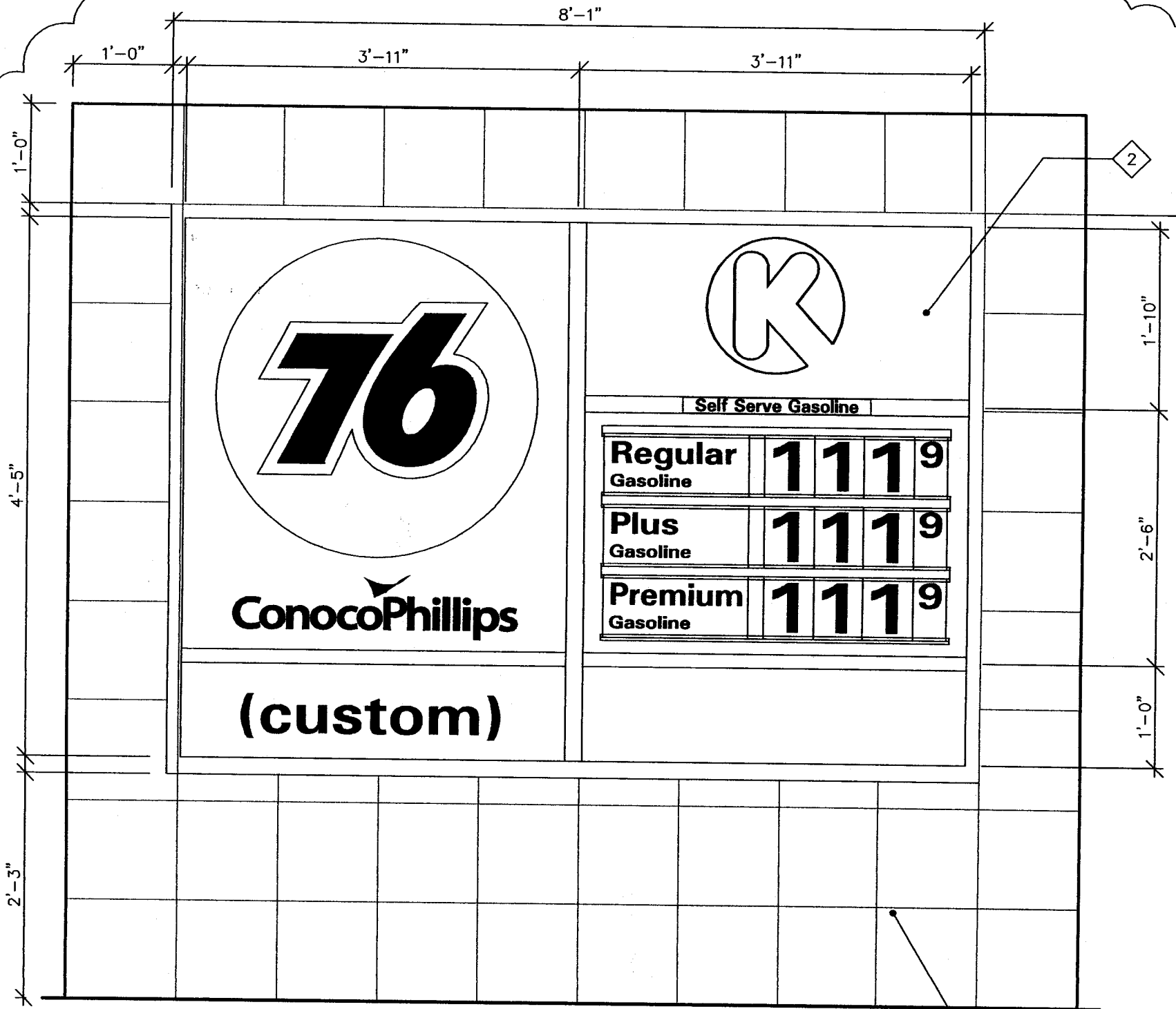


ZU-2187

SITE PLAN

Alameda County, CDA - Planning Department





**FINDINGS FOR APPROVAL**  
**Use Permit Application No. PL-2005-0096**  
**James Chao (Applicant)**  
**Unocal 76 (Owner)**  
**391 West A Street**

- A. Approval of Use Permit Application No. PL-2005-0096, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section guidelines Section 15303, (c), New Construction or Conversion of Small Structures.
- B. The proposed carwash is desirable for the public convenience or welfare in that the carwash will provide a service that is lacking within this neighborhood.
- C. That the proposed carwash will not impair the character and integrity of the Neighborhood Commercial District or surrounding area in that the proposal should provide an additional convenience to surrounding residences and motorists without significantly impacting the ambient noise within the neighborhood or to the future senior housing facility.
- D. The proposed carwash will not be detrimental to the public health, safety or general welfare in that, as conditioned, the use will not cause any significant negative impacts (including noise) to the public. Ample parking will be provided on-site to accommodate the car wash and the mini-mart.
- E. The proposed carwash use, as conditioned, will be in harmony with applicable City policies and the intent and purpose of the Neighborhood Commercial Zoning District. The proposal is consistent with the City Zoning Ordinance, and the Design Guidelines.



**CONDITIONS OF APPROVAL**  
**Use Permit Application No. PL-2005-0096**  
**James Chao (Applicant)**  
**Unocal 76 (Owner)**  
**391 West A Street**

1. Use Permit Application No. PL-2005-0096 is approved subject to the conditions of approval listed below and the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to June 9, 2006. If a building permit is issued for construction of improvements authorized by the use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. The operation of the gasoline service station and mini-mart shall comply to the conditions of approval of Use Permit Application No. 94-102 and Variance Application No. 95-180-10 except as amended herein.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
  - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the building permit plan set.
  - b. Indicate on plans that sound absorbing material will be added to the inside of the carwash.
6. A decorative pre-cast concrete trash receptacle, with a self closing metal lid, shall be located near the vacuum, air and water station. The design and materials shall match the materials of the main building. The Planning Director shall approve the design and placement.

7. Any new exterior lighting shall not reflect onto the adjacent property that will be developed with the senior housing facility.
8. The roll-up doors shall remain closed during washing and drying operations.
9. The hours of operation for the carwash shall be no earlier than 7:00 am and no later than 10:00 pm daily.
10. A tile base shall be added to the monument sign. Prior to the issuance of a sign permit, revised plans shall be submitted for the review and approval of the Planning Director.
11. All illegal signs shall be removed from the gasoline service station. Free standing temporary signs are not allowed. Temporary advertising signs shall be removed and shall not be installed in the planters, on the poles, on walkways, gasoline bumper guards, on the gasoline pumps, on the gasoline pump canopy or on bollards.
12. The dilapidated pole sign base located adjacent in the planter adjacent to the Arbor Avenue driveway shall be removed.
13. All fast food restaurant signs shall be removed from the planter areas, and the north and the west side of the buildings. In addition, restaurant menu and speaker boxes shall be removed.
14. No vending machines or other goods or products shall be displayed or sold outside the building, excluding newspaper racks. The existing vending machine shall be removed.
15. Any public telephone installed on the property shall be located inside the mini-mart.
16. No outdoor public address system shall be used.
17. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
18. Management shall take necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.
19. The service station operator shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways and parking areas. The premises shall be kept clean and free of litter and weeds. Any graffiti painted on the property shall be painted out or removed within three days of occurrence to the satisfaction of the Planning Director.
20. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
21. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

## **Landscaping**

22. Replace all missing, dead or damaged plant material as previously approved for this site in March of 1996. This includes the replacement of any tree that has been topped or severely pruned and missing groundcover areas. All landscaping must be consistently and continuously maintained in good condition.
23. Revised landscape plans prepared by a licensed landscape architect shall be submitted with the building permit application and shall reflect the following:
  - a. Vines shall be planted in the planter adjacent to the carwash on the north side of the structure.
  - b. The palm tree located in the planter on the Arbor Avenue shall be removed.
  - c. Four evergreen trees shall replace existing mature trees in the planter area adjacent to the carwash. These trees shall be equal in size to existing trees and shall be planted at 20 feet on center.
  - d. Additional shrubs shall be planted around the new monument sign.
24. Landscape improvements shall be installed according to the revised approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
25. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code. These trees may not be topped, pollarded or rounded over in the future so this must be taken under consideration during this construction.

## **Engineering**

26. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into the storm water runoff to the maximum extent practicable.
27. The applicant shall contact and submit plans to East Bay Municipal Utility District for comments and requirements.

## **Public Works –Water Pollution Source Control**

28. All on-site storm drain inlets shall be clearly stenciled "No Dumping, Drains to Bay."

### **Oro Loma Sanitary District**

29. The applicant shall submit a complete sanitary sewer plan for all on-site and off-site improvements prepared by a Registered Civil Engineer for the review and approval of the District Engineer. All sanitary sewer improvements shall be designed and constructed in accordance with the District's Design Standards, Specifications and Standard Plans, unless otherwise specifically approved by the District Engineer. Sanitary sewer improvements shall include, but not limited to, on-site and off-site sanitary sewer systems and associated structures necessary for a complete and acceptable sanitary sewer improvement project.
30. A separate District Permit shall be obtained prior to installation and connection of all on-site and off-site sanitary sewer lines to the District facility and compliance to the conditions set forth in the permit.

### **Solid Waste & Recycling**

31. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
32. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.